

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

2007 JAN 26 P 3:13

DISTRICT OF UTAH

BY: DEPUTY CLERK

BASIC RESEARCH, a Utah limited liability
company; KLEIN-BECKER usa, a Utah
limited liability company,

Plaintiffs,

vs.

DISTROMEX S.A. de CV, a Mexican
corporation; SPFM, a Texas limited
partnership,

Defendants.

ORDER ADOPTING
MAGISTRATE'S REPORT AND
RECOMMENDATION

Case No. 2:06 CV 669 TC

Before the court is Basic Research and Klein-Becker's (collectively, "Plaintiffs") Motion for a Temporary Restraining Order ("TRO") and Preliminary Injunction. This matter was referred to Chief Magistrate Judge Samuel Alba pursuant to 28 U.S.C. § 636(b)(1)(A) but because of the unavailability of either Judge Alba or Judge Campbell and the urgent nature of a TRO, the motion was referred to Magistrate Judge Paul M. Warner by Judge Dee Benson pursuant to Federal Rule of Civil Procedure 72(b) and Utah Local Rule 72-2(c).

Judge Warner conducted a hearing on the TRO on November 29, 2006, and issued his Report and Recommendation on December 1, 2006.¹ Judge Warner recommended DENIAL of the Motion for Temporary Restraining Order and Preliminary Injunction because the Plaintiffs failed to meet their burden as to each of the four prongs required for injunctive relief.

The parties were given ten days from the date of the issuance of the Report and Recommendation to file objections and were cautioned that failure to file an objection could constitute waiver thereof upon subsequent review. No objections were filed.

The court has conducted a *de novo* review of Judge Warner's recommendation and agrees with it. Accordingly, the Report and Recommendation is adopted as the order of this court. Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction is DENIED.

DATED this 26th day of January, 2007.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
Chief Judge

¹ It should be noted that the Report and Recommendation was not provided to the parties until January 3, 2007, because Plaintiffs had neglected to file their Motion for Temporary Restraining Order and Preliminary Injunction until January 3, 2007.